

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON TOXICS COALITION,
et al.,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION
AGENCY, et al.,

Defendants,

and

CROPLIFE AMERICA, et al.,

Intervenor-Defendants.

No. C01-0132 C

OPPOSITION OF INTERVENOR-
DEFENDANTS CROPLIFE
AMERICA, ET AL., TO
PLAINTIFFS' MOTION FOR
FURTHER ACTION BY
DEFENDANT ENVIRONMENTAL
PROTECTION AGENCY TO
IMPLEMENT JANUARY 22, 2004
ORDER

Noted on Motion Calendar:
Friday, July 16, 2004

OPPOSITION TO PLAINTIFFS' MOTION FOR FURTHER
ACTION TO IMPLEMENT JANUARY 22, 2004 ORDER,
No. C01-0132 C

LEARY · FRANKE · DROPPERT PLLC
1500 Fourth Avenue, Suite 600
Seattle, WA 98101
t: 206.343.8835
f: 206.343.8895

For their response to Plaintiffs' Motion for Further Action by Defendant Environmental Protection Agency to Implement January 22, 2004 Order, Intervenor-Defendants CropLife America, et al. ("Intervenors")¹ join in the response filed by the Federal Defendants on this date. Plaintiffs' motion should be denied for the host of reasons set forth in the Federal Defendants' Opposition.

In addition, insofar as Plaintiffs' motion (at 4-5) purports to characterize, and question the adequacy of, the steps taken by Intervenor-Defendants to carry out their duties under Part IV.B of the January 22, 2004 Order, Plaintiffs merely repeat the assertions contained in their April 9, 2004 request for a status conference (Dkt. No. 280). In response, Intervenor-Defendants hereby incorporate by reference their Response to Plaintiffs' Request for Status Conference (Dkt. No. 286, filed April 13, 2004), which refutes Plaintiffs' mischaracterizations and explains that Intervenor-Defendants not only met, but exceeded, their notification obligation under Part IV.B of the Order.

CONCLUSION

Plaintiffs' motion should be denied.

DATED this 16th day of July, 2004.

LEARY FRANKE DROPPERT PLLC
J.J. Leary, Jr. (WSBA No. 08776)
1500 Fourth Avenue, Suite 600
Seattle, WA 98101
(206) 343-8835

s/J. Michael Klise
Steven P. Quarles, pro hac vice
J. Michael Klise, pro hac vice
Thomas R. Lundquist (D.C. Bar No. 968123)
CROWELL & MORING LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 624-2500

Attorneys for Intervenor-Defendants CropLife America, et al.

¹ "CropLife America, et. al." includes all Intervenor-Defendants except the Washington State Farm Bureau and the Washington State Potato Commission, which are separately represented.